



Report to the Auburn City Council

Action Item
Agenda Item No. 3
City Manager's Approval

To: Mayor and City Council Members
From: Wilfred Wong, Community Development Director
Date: February 9, 2009
Subject: Ordinance Amendment Public Noticing Requirements (Admin File 301.3(q))

The Issue

Should the City Council hold the Second Reading for the Public Noticing Requirements ordinance which would amend Section 159.460 *et seq.* of Chapter 159 of Title XV.

Conclusions and Recommendation

By Ordinance, hold a Second Reading, by title only, of the Public Noticing Requirements Ordinance, amending Section 159.460 *et seq.* of Chapter 159 of Title XV of the Auburn Municipal Code.

History/Background

January 26, 2009, the Auburn City Council reviewed a request to amend the notification requirements for planning projects. At that meeting, the City Council amended Section 159.460 (increased notification distance from 300 feet to 500 feet), but decided to reconsider in one year the requirements for posting public notification signs for development proposals. With the amendment, the City Council introduced the ordinance for first reading. A copy of the proposed ordinance (as amended) is attached as Exhibit A.

Alternatives Available to Council; Implications of Alternatives

- A. Deny the Second Reading of the Public Noticing Requirements Ordinance.

Additional Information

EXHIBITS

- A. Ordinance for Public Noticing Requirements.

ORDINANCE NO. 09-
PUBLIC NOTICING REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section One: Section 159.460 *et seq.* of Chapter 159 of Title XV of the City of Auburn Municipal Code is hereby amended to read as follows:

§ 159.460 SERVICE.

Notices of the public hearings required by the provisions of this chapter shall be given as follows:

(A) Service by mail.

(1) At least 10 days prior to a public hearing, the Commission shall mail, postage prepaid, a notice of the time and place of the hearing to all persons whose names and addresses appear on the latest equalized assessment roll as owners of property within 500 feet of the exterior boundaries of the land for which a permit subject to discretionary action is sought.

(2) The person filing the petition for action by the Commission shall supply the names and addresses of those entitled to notice under this section.

(B) Service by publication. In the case of an amendment of this chapter, notice shall be given by publication of the amendment in a newspaper of general circulation in the city at least 10 days prior to the hearing.

Section Two: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

1 Section Three: The City Clerk shall certify to the passage and adoption
2 of this Ordinance and shall give notice of its adoption as required by law.
3 Pursuant to Government Code Section 36933, a summary of this Ordinance
4 may be published and posted in lieu of publication and posting of the entire
5 text.

6
7 Section Four: If any part of this Ordinance is held to be invalid, such
8 invalidity shall not affect any other part which reasonably can be given effect
9 without regard to the invalid provision and, to that end, the provisions of this
10 Ordinance are hereby declared to be severable.

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12 Section Five: To the extent the provisions of the Auburn Municipal
13 Code as amended by this Ordinance are substantially the same as the
14 provisions of that Code as it read prior to the adoption of this Ordinance, those
15 provisions shall be construed as continuations of the prior provisions and not
16 as new enactments.

17
18 DATED: February 9, 2009

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21 _____
J.M. Holmes, Mayor

22 ATTEST:

23 _____
24 Joseph G. R. Labrie, City Clerk
25
26

27 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
28 that the foregoing ordinance was duly passed at a regular meeting of the City

1 Council of the City of Auburn held on the 9th day of February 2009 by the
2 following vote on roll call:

3 Ayes:

4 Noes:

5 Absent:

6 Joseph G. R. Labrie, City Clerk
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